

January 14, 2022

To Whom It May Concern:

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, the Defend Them All Foundation ("DTA") respectfully requests copies of records held by the Environmental Protection Agency ("EPA") pertaining to rodenticide products proposed for use in eradicating and controlling rodents on islands including the proposed USFWS South Farallon Islands Invasive House Mouse Eradication Project ("Farallon Islands Project").

The Farallon Islands Project involves a proposal to disperse approximately 3,500 lbs (1.45 tons) of Brodifacoum-infused bait with two aerial applications in a treasured biodiversity hotspot. The area is nationally recognized for its important breeding and feeding areas as well as home for many endangered or threatened species. Furthermore, it is known to host uniquely productive marine ecosystems that attract marine broad biota from zooplankton to krill, fish, marine mammals, and other aquatic and semi-aquatic species. In addition to biological sensitivity, the steep cliffs, rugged terrain, and portions of inaccessibility render bait delivery, mitigation, and minimizing bait drift particularly complex.

In an effort to understand the risks of the product selected for the Farallon Islands Project, the factual basis for the EPA's decision to proceed with registration of rodenticide products for this purpose, and to ensure our ability to assess mitigation and monitoring measures currently in development, we respectfully request the following documents:

- 1) From January 1, 2007, to the date of processing this request, all records that discuss or describe vertebrate control products proposed and/or approved for use on islands for conservation purposes, including but not limited to Brodifacoum, Diphacinone, Strychnine, and Zinc Phosphide;
- 2) From January 1, 2007, to the date of processing this request, all internal records received or generated by EPA staff member(s) that discuss or describe Brodifacoum-25D Conservation, Brodifacoum-25W Conservation, and/ or any other vertebrate control product created or obtained in connection with the South Farallon Islands Invasive House Mouse Eradication Project including but not limited to all unpublished reports referenced therein;
- 3) From January 1, 2007, to the date of processing this request, all internal records received or generated by EPA staff member(s), official(s), partners, or consultant(s) and/or scientists outside the EPA that discuss or describe the use of rodenticide products at the Farallon Islands including but not limited to the

following concerns:

- a) Wind speed
- b) Weather conditions
- c) Amount, duration, and/or method of bait distribution
- d) Amount, duration, method, and/or location of bait storage
- e) Impacts on non-target species
- f) Impacts on human health
- g) Use within caves, tidal areas, bays, and/or other water bodies

- 4) From May 1, 2007, to the date of processing this request, all email and text message communications including complete email chains, email attachments, calendar invitations, and all electronic files hyperlinked within such correspondence, between or among EPA staff member(s), official(s), partners, or consultant(s) and any FWS official(s), including but not limited to Gerry McChesney, and/or any director, employee, officer, volunteer, and/or representative of the following organizations that relate, reflect, or refer to any and all of the subjects of concern listed above:

- a. Point Blue Conservation Science, including but not limited to Jaime Jahncke, Zachary Warnow, and Pete Warzybok;
- b. Point Reyes Bird Observatory / Institute for Bird Populations including but not limited to Peter Pyle;
- c. Island Conservation, including but not limited to Gregory Howald;
- d. The California Academy of Sciences;
- e. National Oceanic and Atmospheric Administration;
- f. The Seabird Protection Network;
- g. The Golden Gate Biosphere; and

- 5) From January 2008 to the date of processing this request, any and all records or correspondence that discuss or describe any proposed or established agreement, contract, memorandum of understanding, or grant between the EPA, USFWS, Point Blue Conservation Science, Point Reyes Bird Observatory, Island Conservation, and/or Bell Laboratories, Inc.

Content and Format of Requested Records

To the extent possible and in an effort to expedite processing and conserve resources, please provide the responsive records via electronic mail attachment.

For purposes of this request, the term "records" refers to all documents, published and/or unpublished papers, reports, studies, evaluations, presentations, files, assessments,

evaluations, complaints, memoranda, biological opinions, data (including raw data, GPS or GIS data, UTM, LiDAR, etc.) and/or maps. Please include all traditional forms of media, regardless of physical form or characteristics, including information created, manipulated, communicated, or stored in digital or electronic form.

“Correspondence” includes all inter and/or intra-agency communication with entities or individuals outside the federal government, including emails, letters, notes, minutes, comments, consultations, opinions, papers, maps, and/or all other responsive records, in draft or final form.

If an exemption or denial of this request is claimed, please provide the remaining portions of the same records, as well as the following information regarding such withheld records or portions thereof:

- (1) identify each record with specificity (including date, author, recipient, and parties copied);
- (2) explanation in full for the basis of withholding responsive material;
- and
- (3) provide all segregable portions of the records for which you claim a specific exemption.

5 U.S.C. § 552. § 552(b). Please correlate any redactions with specific exemptions under FOIA.

Fee Waiver Request

We respectfully request that all search and copy fees in connection with this request are waived as provided by 5 U.S.C. § 552(a)(4)(A)(iii). Such waivers are required where disclosure is “in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” *id.*

The Defend Them All Foundation (DTA) is a 501(c)(3) non-profit organization dedicated to improving the legal protection of animals and their habitats. Disclosure of the information requested herein is in the public interest as it is likely to contribute significantly to the public's awareness of the operations and activities of the EPA and will improve the public's understanding of the factual basis for decision making related to the Farallon Island Project. DTA has no commercial interest in the requested information and seeks only insight into the agency's efforts to ensure the continued existence of important species and critical habitats.

Increased awareness of the risks posed by rodenticides has fueled public concern and demand for new solutions. As such, the use of these products has become the subject of broad public debate among citizens, public interest organizations, and policy makers. A greater understanding of the decision making processes related to the use of rodenticides for purposes

of island conservation is a critical component of this ongoing conversation. As a nonprofit organization, seeking information regarding the agency's plans to disperse mass quantities of rodenticide-infused bait over the Farallon Islands is of particular and ongoing concern considering the island's inaccessibility to the public and its nationally recognized ecological complexity.

For the foregoing reasons, DTA qualifies for a full fee waiver. We look forward to a timely response and appreciate your time and attention. Should any questions about the content of our request arise, please contact me at izehel@DefendThemAll.org.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Zehel". The signature is fluid and cursive, with the first letter "L" being particularly large and stylized.

Lindsey Zehel, Esq., LL.M.
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